

WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT

2015 - 2017 MOA

ELEMENT 1 - NARRATIVE

DESIGNATION OF DIVISION OF EMPLOYMENT AND TRAINING EQUAL OPPORTUNITY OFFICER

Equal Opportunity Officer:

David Durán, is the designated Equal Opportunity (EO) Officer for the State of Wisconsin's Workforce Investment Act (WIA), the newly enacted Workforce Innovation Opportunity Act (WIOA) and Wagner-Peyser Employment Services programs hereinafter referred to as the EO Officer. The position is located within the Division of Employment and Training (DET) in the Department of Workforce Development (DWD). DET is responsible for administering programs under the WIA/WIOA and Wagner-Peyser Employment Services programs. Mr. Durán was recently hired on September 8, 2014, to replace Mr. William A. Franks, Jr. who retired in 2013. Mr. Durán previously served as the Equal Opportunity Program Specialist Senior/Civil Rights Compliance Officer for the State of Wisconsin, Department of Health Services (DHS) and held this position approximately 13 years. Mr. Durán has over 40 year of professional experience working in the health and human service field, in both the public and private non-for-profit sectors. He has 11 years of direct experience in administering the Migrant and Seasonal Farmworker employment and training program in the state during the Comprehensive Employment and Training Act (CETA) and the Job Training Partnership Act (JTPA) program era. He has 11 years of experience in working as a public policy analyst with the former State of Wisconsin, Department of Health and Social Services (DHSS), where he served as the Department's Migrant/Hispanic Liaison. His experience extends from local community development to national public policy work at the federal level. He was appointed by the Secretary of the U.S. Department of Health and Human Services as Chairman of the National Advisory Council on Migrant Health for the where served for 8 years. At the DHS, Mr. Durán was responsible for development, implementation, and monitoring of the Department's civil rights compliance program for its primary funded recipients and sub-recipients. These included training as well as investigation of discrimination complaints filed against funded recipients and the Department. Mr. Durán reports directly to Mr. Juan José López, Director, for the Bureau of Program Management and Special Populations (BPMSP).

The Bureau's Civil Rights Team includes Mr. Durán, who specializes in monitoring compliance of the programs administered by DET, and Ms. Robin L. Stoikes, the DET AA/EO and Department LEP Coordinator. Ms. Stoike's primary focus is ensuring DET's compliance with its own human resources and personnel service policies. Planning, coordination and problem solving are addressed by the team in periodic status meetings with the Bureau Director. Mr. Durán and Ms. Stoikes have direct access to the BPMSP Bureau Director, DETs Administrator when issues arise. Organization charts for the Department, Division and Bureau, including position descriptions for the EO Officer, AA/EO/LEP Coordinator, and a sample position description for a local EO Officer are

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provided in Exhibits 1 – A to 1 - J.

Mr. Durán's time is fully devoted to ensuring civil rights compliance of the division's programs.

DET has a Program Review Management Team (PRMT) which meets bi-monthly to review and report on the results of on-going monitoring of WIA/WIOA Title I programs. The purpose of the PRMT is to review program activity and performance of WDB and Job Center programs; to share information and to respond consistently across all sections and bureaus, as appropriate, regarding policy issues, program performance results, field visits, monitoring results, programs successes and deficiencies; identify policy issues, develop policy recommendations and to provide a regularly scheduled forum for issue discussion and problem resolution. The E.O. Officer participation in PRMT meetings is mandatory and is a critical team member when civil rights compliance issues emerge. The DET PMRT team members include WIA/WIOA Local Program Liaisons and convened by one of the Bureaus' supervisor within DET's Employment and Training Bureaus.

Mr. Durán responsibilities include; developing, authoring, updating, implementing, and oversight duties and ensuring that the nondiscrimination WIA/WIOA mandates are implemented statewide pursuant to Federal regulations. In additional, Mr. Durán is responsible for coordinating services and information related to civil rights compliance for the Division of Unemployment Insurance (UI) and the DET Bureau of Job Service (BJS). The E.O. Officer's job description and areas of responsibilities correspond to those required of an appointed E.O. Officer pursuant to 29 C.F.R. Part 37.25. These duties consist of coordinating and implementation of the DWD civil rights compliance program that include but are not limited to:

- Serving as the liaison between DWD and the Civil Rights Center;
- Monitoring and investigating DWD activities, and the activities of primary funded recipients that receive WIA Title I funds from DET, to make sure that DETs, WDBs and their sub-recipients are not violating the nondiscrimination and equal opportunity obligations under WIA Title I;
- Reviewing the DWD DET written policies to make sure that those policies are nondiscriminatory;
- Develop and publish DWD DET procedures for processing discrimination complaints pursuant to 29 C.F.R Part §37.76 - 37.79, and ensuring procedures are followed;
- Reports directly to the Department's Secretary, Division Administrators, Bureau Directors, Governor's WIA Liaison, Administrator, and WDB about equal opportunity matters;
- Overseeing the development and implementation of the Department's Methods of Administration.

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- Conducting equal opportunity training seminars;
- Providing equal opportunity technical assistance to customers, Department's staff WDBs and their funded sub-recipients; and
- Serve as the liaison between the Civil Rights Center and Wisconsin recipients, job seekers, applicants for employment, employers and partner agencies involving equal opportunity issues.

Mr. Durán provides leadership in the preparation of the monitoring plan for WIA programs and in responding to complaints. He is listed as the division contact on civil rights and complaint issues on DET websites and in documents issued and referenced as exhibits in this element of the MOA and listed as the back-up LEP coordinator for the Division. As the former Civil Rights Compliance Officer for the Department of Health Services (DHS) for the past 13 years, he was solely responsible for developing, authoring, implementing, and monitoring DHS multi-facet civil rights compliance program while adhering to U.S. Department of Health and Human Services (HHS) and U.S. Department of Agriculture equal opportunity statutes. Mr. Durán has played a major role and working with the Interagency Civil Rights Compliance Workgroup responsible for developing and implementing a comprehensive civil rights compliance program for a multi-facet and widely diverse group of funded recipients and sub-recipients of the DWD, DHS and DCF. He previously collaborated extensively with the former Equal Opportunity Officer, conducted joint training, complaint investigations and monitoring to mutually funded recipients. He is well known throughout the State of Wisconsin as an expert on civil rights compliance issues by both private and public entities delivering health, social services, including employment and training agencies. Mr. Durán will play a critical role as the lead analyst on service delivery data related to equity of services and access factors.

Contact information for Mr. Durán is: 201 East Washington Avenue, Room G100, P.O. Box 7972, Madison, Wisconsin 53707, Voice (608) 266-6889, TDD (866) 275-1165, and email address: David2.Duran@dwd.wisconsin.gov

Local Equal Opportunity Officers:

Each of the 11 WDAs has a designated local EO Officer. Contact information for the officers is provided in Exhibit 1 - K. All of the designated local EO Officers function and are responsible for implementing and monitoring all aspects of the WDB's civil rights compliance program and insuring sub-recipients comply with the nondiscrimination statutes; however, their position titles may differ from that of EO Officer. Individuals serving in this role for grantees are responsible for assuring subgrantees are monitored, complaints are addressed and issues of access are resolved. They serve in a coordinative and liaison role for the grantee much the same as the EO Officer does for the Division. The Division expects staff serving in this role for the grantee to serve as a problem-solver and the principal contact in matters concerning compliance with provisions of nondiscrimination and equal opportunity. WDA position descriptions reflect

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these duties. The EO Officer is available to participate in local WDB and partner agency in-service sessions where equal opportunity and nondiscrimination issues are part of the agenda. The EO Officer receives calls each week for technical assistance from WDA staff as well as from employers and other individuals seeking information.

Department AA/EO Officer:

The Department's Affirmative Action/Equal Opportunity (AA/EO) Officer, Ms. Amanda Jorgenson, is responsible for ensuring that AA/EO principles and practices are adhered to in all personnel transactions and terms and conditions of employment in DWD. The AA/EO Officer is responsible for monitoring the performance of DWD regarding AA hires, promotions and separations/discharges and reporting the results annually to the Division of Affirmative Action (DAA) of the Office of State Employment Relations (OSER). Each state agency submits this information on hire, promotion and separation/discharge for racial/ethnic minorities, women and individuals with disabilities. The state DAA publishes a report pursuant to the requirements of Wis. Stats., Chapter 230. The current report entitled, "The State Council on Affirmative Action Report" is available on the internet at <http://oser.state.wi.us/docview.asp?docid=7668>. The report was issued June 2012 and covers July 1, 2011 – June 30, 2012. DWD's AA/EO information is included in the report.

Division AA/EO Officer:

DET has designated Robin Stoikes as the Division AA/EO Officer and LEP Coordinator. Ms. Stoikes is an Equal Opportunity Program Specialist Senior. She reviews and approves interview questions and panels in Division recruitment activities, investigates employee complaints as well as provides training and technical assistance to DET supervisors and staff on issues related to equal opportunity as required by the DWD AA Office. DET has about 326 positions, 31 of whom are supervisors. The Division's AA/EO Officer is designated as the Limited English Proficiency (LEP) Coordinator for DET.

Unemployment Insurance Division Equal Opportunity Officer:

The UI Division has designated Benjamin Peirce, Deputy Division Administrator, as the Division's AA/EO Officer. In his capacity as UI AA/EO Officer, Mr. Peirce is responsible for assisting the Department Affirmative Action Office (DWD AA Office) in investigating and responding to complaints and for coordinating and implementing training requirements as directed by the DWD AA Office. UI has about 750 staff, approximately 65 of whom are supervisors.

Training and Technical Assistance:

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29 CFR 37.25 (f) requires the EO Officers to maintain competency regarding civil rights issues. As the Civil Rights Compliance Officer for the past 13 years at DHS, Mr. Duran has overall responsibility for developing and implementing DHS civil rights compliance program for all funded recipients and sub-recipients. This included developing and providing civil rights compliance training. Mr. Duran conducted regional civil rights trainings in collaboration with the previous DWD EO Officer where WDB OE Officers were in attendance. The Division nonetheless, will remain committed to assuring that the EO Officer keeps current on equal opportunity and nondiscrimination statutes to ensure his role and functions continue to provide quality customer service. Mr. Duran will also maintain current by reviewing legal cases and court decision involving civil rights litigation and take advantage of the trainings offered through the U S. Department of Labor (DOL) and other sources on related topics to assist him in fulfilling his role and responsibilities of training WDBs and sub-grantees staff.

The OE Officer will continue to rely on the Department's technological capacities such as webcast as well as explore other web-based mediums to provide training and technical assistance to recipients and sub-recipients as a means to provide cost effective options for WDB and EO Officers to stay current.

Civil Rights Compliance in Service Delivery Training: DET currently uses a previously webcast seminar initially conducted on February 6, 2006. The seminar is available to WDBs, their funded sub-recipients, and other One-Stop Center key partners. The training is designed for agency heads, EO Officers, LEP Coordinators and Complaint Coordinators. The compliance topics covered in the seminar remain relevant even today and address the different roles and responsibilities these key individuals perform within their respective organizations. The curricula covers the basics of Title VI and other civil rights laws with emphasis in compliance specifically as it relates to providing nondiscriminatory services to federally assisted program applicants, participants and beneficiaries of DWD, DHS and Department of Children and Families (DCF).

All webcast power-point presentations available through the web include speaker notes subtexts so that other agency EO Officers can present the information at staff in-service and other meetings as needed.

The current EO Officer will be conducting a needs assessment of all WDBs, EO Officers, and key partner agency staff to determine the range of training needs in 2015. Training will be customized specific to their needs. The EO Officer will collaborate with other EO Officers from DCF, and DHS once one is hired to provide civil rights compliance training for mutually funded entities when possible. Joint effort will be made to develop training modules that address the distinct needs of public and private service entities as well as employment and training agencies to ensure they maintain effective

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compliance programs.

The most recent civil rights compliance training session presented by the previous EO Officer was conducted on February 17, 2010, during a regular staff meeting held by one of the Dislocated Worker's program sub-grantee, the Labor Education and Training Center (LETC). A hard copy of the PowerPoint presentation conducted at the LETC in-service training session is enclosed as Exhibit 1 – L. The power-point presentation is available online at the following URL http://dwd.wisconsin.gov/det/civil_rights/ppt/02-17-10_crc_training.ppt

DET Staff Training – Retirements and the departure of key staff with equal opportunity responsibilities hindered our ability to carry out training as anticipated. During the current periods from 2012 to 2014, the Division's EO Officer and AA/EO Officer / LEP Coordinator retired from State service and the State Monitor Advocate accepted a different position with a different State partner agency. DET filled the position of AA/EO Officer/LEP Coordinator with Ms. Robin Stoikes, and the State Monitor Advocate position has been filled with Mrs. Angelica M. Vasquez. Mr. David Durán was recently hired to replace the previous Division's EO Program Officer Mr. William J. Franks Jr. The hiring of these three key positions the Division will be capable to deliver civil rights compliance training for Division on a regular and timely manner.

On October 21, 2014, Mr. Durán conducted an internal training for the DWDs Division's Limited English Proficiency (LEP) Coordinators. A copy of the power-point slide presentation is included as Exhibit 1-M. Training topics included Title VI of the Civil Rights Act of 1964, Executive Order 13166, DOL LEP Guidance and the obligations to provide equal access and equal opportunity to persons protected under national origin category of Title VI. LEP Coordinators were provided with better understanding of requirements and how they apply to their programs and services.

The EO Officer, State Monitor Advocate and AA/EO Officer will work in unison when appropriate to address civil rights compliance training topics relevant to internal Division staff.

WDB Staff Training – As the DET EO Officer, Mr. Durán is the lead person in providing civil rights compliance training to local WDB EO Officer. During the 2015 – 2017 MOA periods, Mr. Duran will conduct civil rights compliance in service delivery training for WDB, local partner agencies and sub-recipients. The training curricula will include and introduction to civil rights laws, discrimination complaints investigations and resolution, development of an effective civil rights compliance program including monitoring of sub-recipients.

Job Center Complaint Coordinator System: Section 181 (c) (1) – (3) requires the State and local areas receiving an allotment under Title I to establish and maintain a

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procedure for grievances or complaints alleging a violation of the requirements under Title I from participants and other interested or affected parties.

Wisconsin's Job Center Complaint Coordinator System (JCCCS) provides a centralized point of contact for any customer visiting a job Center with a complaint. WDB and Job Center Administrators are responsible for appointing a local complaint coordinator at each Job Centers. Complaint Coordinators are responsible for referring and acting as a conduit to make sure complainants are provided resources they need, based on the type of complaint, program(s) and funding stream involved. Programs covered by the complaint process include Employment Services, WIA, Vocational Rehabilitation, and others.

Periodically, DET updates and reissues an Administrative Memo to WDB Directors, Job Center Mangers and Job Service Supervisors providing updated information on the JCCCS. Recently on November 17, 2014, DET issued Administrative Memo 14-04 to solicited information in order to compile an updated Complaint Coordinator List. Administrative Memo 14-04 is provided as Exhibit 1-N access at: <http://dwd.wisconsin.gov/det/adminmemos/pdf/2010/1010.pdf>.

The policy clarifies the role and responsibilities of the complaint coordinators and requires that the Workforce Development Boards be responsible for notifying Mr. Durán of any changes in the coordinators. The policy is essentially a technical assistance document to assist coordinators and WDBs in their role.

Civil Rights Compliance Plan Requirements: DWD, Department of Health Services (DHS) formerly Department of Health and Family Services (DHFS), and currently Department of Children and Families (DCF), work collaboratively to develop and issue joint civil rights compliance standards that all federally assisted recipients and sub-recipients must meet as a condition of funding. These collaborative efforts predate 2000, and require all mutually funded recipients to file a Civil Rights Compliance Letter of Assurance regardless of the size and/or amount of funding received. Large funded entities that employ 50 employees or more and receive over \$50,000 in funding must also completed a Civil Rights Compliance (CRC) Plan. The CRC requirements apply to WDBs and their funded sub-recipients as well as entities receiving funded derived from the U.S. Department of Health and Human Services (HHS) and those receiving funding from U.S. Department of Agriculture through DHS.

Publication of the most recent joint CRC requirements was released on December 4, 2013. These requirements are in effect for the funding period from January 1, 2014, through December 31, 2017. A joint announcement was issued on December 4, 2013 and included as Exhibit 1-O. It is also found on the web at http://dwd.wisconsin.gov/det/civil_rights/plans1417/joint_requirements_announcement.pdf

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DHS, DCF and DWD conducted a technical assistance webcast to assist all funded recipients comply with the requirements on December 6, 2013. The link to view the webcast is located at

<http://dhsmedia.wi.gov/main/Play/e4e379847ad9400692205a96bba3b2891d>. The complete document containing the joint CRC Plan Requirements and January 1, 2014 through December 31, 2017 can be access at:

<http://www.dhs.wisconsin.gov/civilrights/CRC/requirements.htm>

New Employee Orientation: The Department of Workforce Development requires that new employees be provided information on basic EO guidelines as part of their orientation. DWD's EO/AA Officer, Amanda Jorgenson, provides this information as part of the day long orientation program. New employee orientations are conducted quarterly.

LEP Plan Update – DET and UI Divisions LEP Policies and Plans were recently updated and will be re-issued effective on January 2015. The DET LEP Plan is included as Exhibit 1-P. UI Division is currently updating its LEP Plan with a implementation date effective as of January 2015. Both LEP Plans will be in effect from January 1, 2015 through December 31, 2017. The previous UI LEP Plan is included as Exhibit 1-Q.

On July 7, 2014, DCF, DHS and DWD issued a new Request For Bid (RFB) for the mandatory contract used by the three State agencies for purchasing language translation and Interpretation services. Contract CFJ005 expired on October 31, 2014 and the Departments sought bidders to submit pricing for any or all of the four (4) sections of the bid that include:

Section A – Written Foreign-Language and Braille Translation Services

Section B – Telephone Conference-Call Foreign-Language Oral Interpretation Services

Section C – In-Person Foreign-Language and American Sign Language
Interpretation/Translation Services

Section D – Other Interpretation Services

The results culminated in the issuance of a new mandatory contract CFD00407 which went into effect on November 1, 2014. To review the list of vendors and pricing available to DWD Divisions for providing translation and interpretation services is can be at the following URL: http://dwd.wisconsin.gov/det/civil_rights/translations.htm

The new contract has an optional renewal clause through October 31, 2020. This process allows for adding new contractors to the list at the time of renewals to make it easier for the Departments to meet our needs. DET and other DWD Divisions currently have a blank purchase order for telephone interpretation with Language Line and translation services for vital documents and or information with Southern Wisconsin Interpreting and Translation Services, Ltd (SWITS).

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Budget and Staff Allocated to Civil Rights and AA/EEO Responsibilities:

The DET Civil Rights Team, comprised of two individuals, is responsible for division labor relations and related employment relations issues. Mr. David Durán, Equal Opportunity Specialist Senior (EO Program Officer) in the Bureau of Program Management and Special Populations who reports directly to the Bureau Director and Robin Stoikes, Equal Opportunity Program Specialist-Senior who reports directly to the Division Administrator. The two positions, in addition to limited time from the Bureau Director, are responsible for leading coordination and implementation of civil rights compliance for staff and programs within the Division. They meet periodically with the Bureau Director to address shared issues and upcoming work regarding program compliance and agency compliance in EO, AA and LEP matters.

The Equal Opportunity Program Specialist-Senior, Robin Stoikes, serves as the DET EO/AA Officer and LEP Coordinator. This position also serves as the DET labor liaison and complaint officer. The position meets weekly with the Bureau Director to address personnel issues, including matters related to division civil rights and AA/EO compliance for DET employees.

A DET Job Service Bilingual Program and Planning Analyst – Bilingual, Angelica Vazquez, serve as the State Monitor Advocate (SMA) for migrant services. The SMA ensures Migrant Seasonal Farmworkers (MSFWs) receive equal access and equal labor exchange service system provided through the Job Service Bureau. The position serves as BJS LEP Coordinator and is also on the DET Civil Rights Compliance Committee.

The following provides a budget summary of estimated direct services to Civil Rights or AA/EO-Related Functions:

- 0.15 FTE – DWD Manager
 - 0.50 FTE - Equal Opportunity Specialist-Senior - Equal Opportunity Officer - Civil Rights, all programs
 - 0.05 FTE – Equal Opportunity Program Specialist, Senior – DET Human Resource Manager - AA/EO Officer and LEP Coordinator, Complaints and Hearings Officer and Labor Relations.
 - 0.40 FTE – Program & Planning Analyst -Bilingual – Monitor Advocate – BJS

The amount of staff time spent on WIA civil rights compliance by division staff is estimated as follows:

- 0.10 FTE - DWD Manager
 - 0.50 FTE - Equal Opportunity Specialist-Senior - State EO Officer

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- 0.05 FTE - Equal Opportunity Program Specialist-Senior – DET Human Resource Manager

The above staffs work on all DET programs.

The Division budget provides for supplies, printing, communications, postage, and related costs for the EO Officer to conduct his work, including travel and training. Amounts are estimated from the previous year and include special events and additional needs anticipated for the current year. The estimated budget available to the EO Officer and Civil Rights Team for the coming to State Fiscal Years (July 1 through June 30) totals \$17,516.00 and is identified in Exhibit 1-R. Each DET Bureau budgets separately for training and LEP service costs based on need. It is estimated that translation costs will be approximately \$300.00.